

Panaji, 16th July, 1992 (Ashada 25, 1914)

SERIES I No. 16

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE:— There are four Extraordinary issues to the Official Gazette, Series I No. 15 dated 9-7-92 as follows:

- 1) No. 1 dated 9-7-92 from pgs. 87 to 88 regarding Notification from Fisheries Dept.
- 2) No. 2 dated 9-7-92 from pgs. 89 to 92 regarding Notification from Dept. of Urban Development. (Pg. Nos. are wrongly printed and may be corrected accordingly).
- 3) No. 3 dated 13-7-92 from pgs. 93 to 96 regarding Notification from Finance (Budget) Department.
- 4) No. 4 dated 13-7-92 from pgs. 97 to 98 regarding Notifications from Fisheries Dept., Revenue Dept. and Inland Water Transport Dept.

GOVERNMENT OF GOA

Industries Department

PROCLAMATION

15/4/92-IND-IDC

Whereas the Government of Goa proposes to declare the industrial areas as specified in the Schedule hereto to be notified areas and to declare that the provisions of any law relating to local authorities providing for control or erection of buildings, levy and collections of taxes, fees and other dues to the local authorities which is in force in the above mentioned areas shall cease to apply thereof and the Municipalities and Village Panchayats which were receiving house tax from the occupants in the above mentioned areas under the relevant laws shall be compensated by the Government to the extent of the last financial year's collection of taxes for such period as may be determined by the Government which shall not be less than five years (hereinafter called the 'said proposal'), in terms of clauses (a) and (c) respectively of sub-section (1) of section 37A of the Goa, Daman and Diu Industrial Development Act, 1965 (Act 22 of 1965) (hereinafter called the 'said Act').

Now, therefore, in pursuance of sub-section (2) of section 37A of the said Act, the Government of Goa hereby invites all persons who entertain any objection to the said proposal to submit the same in writing with reasons therefor, to the Secretary to the Government of Goa, Industries Department, Secretariat Annexe, EDC House, Panaji within two months from the date of publication of this proclamation in the Official Gazette.

SCHEDULE

(1) Betora Industrial Estate.

- (a) Area: — 2,04,558.00 m²
- (b) Village — Betora.

(c) Taluka — Ponda.

(d) Survey Nos. 177 (part) and 178 (part).

(e) Boundaries: —

North: — Part of Survey No. 177 and 178 of Betora Village and Nalla.

East: — Road.

West: — Part of Survey No. 178, Survey No. 181 and Ponda — Nirankal road.

South: — Ponda — Nirankal Road.

(2) Kundai Industrial Estate.

(a) Area: — 2478808.00m²

(b) Village: — Kundai, Boma and Kunkoliem.

(c) Taluka: — Ponda.

(d) Survey Nos. — 34, 49 sub-division Nos. 1 to 3, 44, 45 sub-division Nos. 1 to 3, 46 sub-division Nos. 1 to 8, 42 sub-division Nos. 5 to 13, 43 of Kundai Village.

Survey Nos. — 28, 27, 26, 25, 24, 23, 22, 19, 18, 17 & 20 sub-division Nos. 1 of Boma Village and Survey Nos. 70, 71, and 65 & 64 of Kunkoliem Village.

(e) Boundaries: —

North: — Village Adcolna and survey Nos. 15 & 16 of Boma Village.

South: — Ponda-Panaji Road, National Highway (NH+4A) and Village Kunkoliem.

East: — Survey Nos. 89, 87, 72, 66 & 63 of Kunkoliem Village.

West: — Ponda-Panaji road, National Highway (NH-44 4A) and survey Nos. 21 sub-division Nos. 1 & 2, 32, 31 sub-division Nos. 1, 30, 29, 40, 41 of Boma Village Survey Nos. 32, 33, 36, 35, 38, 39, 41 sub-division Nos. 1 and 42 sub-division No. 4 of Kundaim Village.

(3) Corlim Industrial Estate.

(a) Area: 2,11,363.00 m².

(b) Village: — Ilhas.

(c) Taluka: — Tiswadi.

(d) Survey Nos. 16, 23 part 18 part.

(e) Boundaries: —

North: — Part of Survey No. 23.

South: — Survey Nos. 14/3, 14/4, 17/1, 17/2, 17/3, 17/4, 17/5, 18, 19/1, 19/2, 19/3, 19/4, 19/5, 19/6, 19/7 and Survey No. 20.

East: — Survey Nos. 21 & 22.

West: Survey Nos. 14/0 and 15/0.

(4) Tivim Industrial Estate.

(a) Area: 2,51,920.00 m².

(b) Village/city: Mapusa & Tivim Village.

(c) Taluka: Bardez.

(d) Survey Nos. Chalta No. 1(a) of P. T. Sheet No. 1 and Chalta No. 2 (a) of P. T. Sheet No. 8 of Mapusa city. Survey Nos. 108/0, 438 Sub-division 1, 1A, to 38 and 439/0, 439/1, 439/6 of Tivim Village.

(e) Boundaries: —

North: — Survey No. 107 and Survey No. 108 (part).

South: Bicholim-Mapusa Road, Chalta No. 1 of P. T. sheet No. 1, chalta No. 20 of P. T. sheet No. 1 and chalta No. 2 of P. T. sheet No. 8.

East: — Tivim Village Boundaries, Survey No. 434 and 437.

West: — Mapusa Colvale Road, (NH-17).

(5) Bicholim Industrial Estate.

(a) Area: 2,12,276.00 m².

(b) Village: Bicholim.

(c) Taluka: Bicholim.

(d) Survey Nos. 55 sub-division 172, 48 part 49/1, 50 part, 51 part, 54 part, 57 part, 43 part 43/9, 54 part, 53/1 part to 53/6 part, 60/11 part and 60/56 part.

(e) Boundaries: —

North: — Nala, survey Nos. 56, 57/7 part 43/7 part, 43/9 part and 55/1.

South: — Survey Nos. 63 and 64.

East: — Survey Nos. 57/8, 61 & 69.

West: — Survey Nos. 48 part, 49/1 part 50, 51, 53 & 54.

(6) Mapusa Industrial Estate.

(a) Area: 66,899.00 m².

(b) City: Mapusa.

(c) Taluka: Bardez.

(d) Survey Nos. chalta No. 1 of P. T. sheet No. 112.

(e) Boundaries: —

North: — Chalta No. 1 part of P. T. sheet No. 112 land of Mapusa Comunidade.

South: — Municipal Road.

East: — Chalta No. 1 part of P. T. sheet No. 112 land of Mapusa Comunidade.

West: — PWD road & Chalta No. 1 part P. T. Sheet No. 97 & Chalta No. 151 of P. T. Sheet No. 112.

(7) Tuem Industrial Estate.

(a) Area: 1,62,418.00 m².

(b) Village: Tuem.

(c) Taluka: Pernem.

(d) Survey Nos. 52/1 part to 52/5 part, 52/7 part to 52/15 part, 52/16 to 52/26, 53 part 63 part, and 48 part.

(e) Boundaries: —

North: — Road Survey Nos. 48/0 & 47/0.

South: — Survey Nos. 66, 63, 53, 52 part & Road.

East: Survey Nos. 54/23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 47, 48, 54 and Road.

West: Survey Nos. 49/0, 64 and Survey Nos. 52/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15.

(8) Honda Industrial Estate.

(a) Area: 4,10,665.00 m².

(b) Village: Honda.

(c) Taluka: Satari.

(d) Survey Nos. 99, 101/1 to 101/4.

(e) Boundaries: —

North: — Survey No. 71 Honda Village.

South: — State Highway (Honda Valpoi Road).

East: — Nallah and Saleli Village Boundaries.

West: — Survey No. 98/1, 98/3, 100/3 and 102 of Honda Village.

(9) Canacona Industrial Estate.

(a) Areas 1,43,310.00 m².

(b) Village: Canacona.

(c) Taluka: Canacona.

(d) Survey No. 12/2 part.

(e) Boundaries: —

North: — Survey Nos. 13/4, 12/1, 11/6.

South: — Road Survey No. 12/2 part.

East: — Road and Survey No. 11/6.

West: — Survey No. 12/9 and Road.

(10) Kacora Industrial Estate.

(a) Area: 96,650.00 m².

(b) Village: Cacora.

(c) Taluka: Quepem.

(d) Survey Nos. 57/2 part, 57/3 part, 86/1 part, 86/2 part, 85/1 part.

(e) Boundaries: —

North: — Survey Nos. 97, 86, 56.

South: — Survey Nos. 84, 58, 85.

East: — 57/2 part, 56.

West: — Curchorem - Sanguem Road.

(11) Sancoale Industrial Estate.

(a) Area: 4,20,026.00 m².

(b) Village: Sancoale.

(c) Taluka: Mormugao.

(d) Survey Nos. 62 part, 187 part, 186 part 183 part, 185 part, 181 part.

(e) Boundaries: —

North: — Survey No. 190.

South: — Survey Nos. 188, 182, Airport Road.

East: — Survey Nos. 188 and 190.

West: — Survey No. 181.

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Industries).

Panaji, 26th June, 1992.

Law (Legal and Legislative Affairs) Department

Notification

10-3-92/LA

The Special Court (Trial of Offences Relating to Transactions in Securities) Ordinance, 1992 (No. 10 of 1992) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 6-6-1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 26th June, 1992.

MINISTRY OF LAW, JUSTICE AND COMPANY-AFFAIRS

(Legislative Department)

New Delhi, the 6th June, 1992/Jyaishta

16, 1914 (Saka)

THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ORDINANCE, 1992

No. 10 of 1992

Promulgated by the President in the Forty-third Year of the Republic of India.

An Ordinance to provide for the establishment of a Special Court for the trial of offences relating to

transactions in securities and for matters connected therewith or incidental thereto.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Special Court (Trial of Offences Relating to Transactions in Securities) Ordinance, 1992.

(2) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless, the context otherwise requires:—

(a) "Code" means the Code of Criminal Procedure, 1973; 2 of 1974.

(b) "Custodian" means the custodian appointed under sub-section (1) of section 3;

(c) "securities" includes—

(i) shares, scrips, stocks, bonds, debentures, debenture stock, units of the Unit Trust of India or any other Mutual Fund or other marketable securities of a like nature in or of any incorporated company or other body corporate;

(ii) Government securities; and

(iii) rights or interests in securities;

(d) "Special Court" means the Special Court established under sub-section (1) of section 5.

3. *Appointment and functions of custodian.*—(1) The Central Government may appoint one or more Custodians as it may deem fit for the purposes of this Ordinance.

(2) The Custodian may, on being satisfied on information received that any person has been involved in any offence relating to transactions in securities after the 1st day of April, 1991 and on and before the promulgation of this Ordinance, notify the name of such person in the Official Gazette.

(3) Notwithstanding anything contained in the Code, on and from the date of notification under sub-section (2), any property, movable or immovable, or both, belonging to any person notified under that sub-section shall stand attached simultaneously with the issue of the notification.

(4) The property attached under sub-section (3) shall be dealt with by the Custodian in such manner as the Special Court may direct.

(5) The Custodian may take assistance of any person for discharging his duties under this section.

4. *Contracts entered into fraudulently may be cancelled.*—If the Custodian is satisfied, after such inquiry as he may think fit, that any contract or agreement entered into at any time after the 1st day of April, 1991 and on and before the proclamation

of this Ordinance in relation to any property of the person notified under sub-section (2) of section 3 has been entered into fraudulently or to defeat the provisions of this Ordinance, he may cancel such contract or agreement and on such cancellation such property shall stand attached under this Ordinance:

Provided that no contract or agreement shall be cancelled except after giving to the parties to the contract or agreement a reasonable opportunity of being heard.

5. *Establishment of Special Court.*—(1) The Central Government shall, by notification in the Official Gazette, establish a court to be called Special Court.

(2) The Special Court shall consist of a sitting judge of the High Court nominated by the Chief Justice of the High Court within the local limits of whose jurisdiction the Special Court is situated, with the concurrence of the Chief Justice of India.

6. *Cognizance of cases by Special Court.*—The Special Court shall take cognizance of or try such cases as are instituted before it or transferred to it as hereinafter provided.

7. *Jurisdiction of Special Court.*—Notwithstanding anything contained in any other law, any prosecution in respect of any offence referred to in sub-section (2) of section 3 shall be instituted only in the Special Court and any prosecution in respect of such offence pending in any court shall stand transferred to the Special Court.

8. *Jurisdiction of Special Court as to joint trials.*—The Special Court shall have jurisdiction to try any person concerned in the offence referred to in sub-section (2) of section 3 either as a principal, conspirator or abettor and all other offences and accused persons as can be jointly tried therewith at one trial in accordance with the Code.

9. *Procedure and powers of Special Court.*—(1) The Special Court shall, in the trial of such cases, follow the procedure prescribed by the Code for the trial of warrant cases before a magistrate.

(2) Save as expressly provided in this Ordinance, the provisions of the Code shall, in so far as they are not inconsistent with the provisions of this Ordinance, apply to the proceedings before the Special Court and for the purposes of the said provisions of the Code, the Special Court shall be deemed to be a Court of Session and shall have all the powers of a Court of Session, and the person conducting a prosecution before the Special Court shall be deemed to be a Public Prosecutor.

(3) The Special Court may pass upon any person convicted by it any sentence authorised by law for the punishment of the offence of which such person is convicted.

10. *Appeal.*—(1) Notwithstanding anything in the Code, an appeal shall lie from any judgment, sentence or order, not being interlocutory order, of the Special Court to the Supreme Court both on facts and on law.

(2) Except as aforesaid, no appeal or revision shall lie to any court from any judgment, sentence or order of the Special Court.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of any judgment, sentence or order of the Special Court:

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.

11. *Discharge of liabilities.* — (1) Notwithstanding anything contained in the Code and any other law for the time being in force, the Special Court may make such order as it may deem fit directing the Custodian for the disposal of the property under attachment.

(2) The following liabilities shall be paid or discharged in full, as far as may be, in the order as under: —

(a) all revenues, taxes, cesses and rates due from the persons notified by the Custodian under sub-section (2) of section 3 to the Central Government or any State Government or any local authority;

(b) all amounts due from the person so notified by the Custodian to any bank or financial institution;

(c) any other liability as may be specified by the Special Court from time to time.

12. *Protection of action taken in good faith.* —

(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or the Custodian for anything which is in good faith done or intended to be done under this Ordinance.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers

or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Ordinance.

13. *Ordinance to have over-riding effect.* — The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Ordinance, or in any decree or order of any court, tribunal or other authority.

14. *Power to make rules.* — (1) The Central Government may, by notification, make rules for carrying out the provisions of this Ordinance.

(2) Every rule made by the Central Government under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

R. VENKATARAMAN,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.